

REMARKS

This Amendment is in response to the Official Action mailed August 16, 2006. Claims 1-8, and 10-20 are currently pending. Claim 1 has been amended. Claim 9 has been canceled. Claims 2-8, and 10-20 remain in their previously presented form.

Initially, the Examiner objected to claims 11 and 18-20 for failing to particularly point out and distinctly claim the invention. The Examiner notes that he will interpret the "lace engaging elements" of these claims to refer to the engaging elements labeled 18 in the drawings. The Examiner is correct in his interpretation. Support for the location of the lace engaging elements is found in [0032] of the specification. Specifically, [0032] discloses that the upper side of the body 2 is also provided with a lace engaging portion 18 comprising a roughened or corrugated surface. Further, lace engaging elements are seen provided on the upper surface of body 2 in Figs 1 and 2. Both [0032] and Figs. 1 and 2 clearly support the recitation of claims 11 and 18-20 that the lace engaging elements 18 are provided on the outer surface of the body 2. Applicant requests Examiner withdraw the current second paragraph, 35 U.S.C. § 112 rejection in light of the foregoing.

The Examiner has rejected claims 1-8, 10, and 15-16 under 35 U.S.C. § 102(b) as being anticipated by Garvey (GB2343701). Claim 1 has been amended to define structure that is clearly not in Garvey. Amended claim 1 recites a body having one or more apertures on an outer surface thereof and a clip means comprising a retaining arm mounted on a spring-loaded hinge, the hinge provided on the outer surface of the body and configured to bias the retaining arm towards the outer surface of the body over the one or more apertures. Further, the retaining arm is arranged to retain overlapping portions of two ends of lace between the retaining arm and the upper surface of the body when lace is present therebetween again over the one or

more apertures in the body. When the lace is not present between the retaining arm and the upper surface of the body, the retaining arm is arranged to rest against the upper surface of the body over the one or more apertures.

In Garvey, the retaining arm is not mounted on the upper surface of the body as defined in claim 1 by a spring-loaded hinge. Garvey does not even include a spring-loaded hinge with a hinge pin. Further, the retaining arm in Garvey does not cover the aperture therein which in Garvey do not pass through the outer surface (facing outwardly during use). As defined in amended claim 1, the aperture of Garvey extended in a direction perpendicular to the claimed outer surface on which the retaining arm acts and not through that surface (see FIGS. 1-4 of Garvey). Furthermore, the claims require the retaining arm extend along the axis between the opposing portions of the shoe in use. This is perpendicular to the direction taught by Garvey. Therefore, Garvey cannot be used as an anticipating reference because Garvey does not include each and every limitation of presently claimed invention.

For the foregoing reasons, Applicant requests allowance of independent claim 1 and claims 2-8, 10, and 15-16 depending therefrom.

Further, the Examiner rejected claims 11-14 and 18-20 under 35 U.S.C. § 103(a) as being unpatentable over Garvey in view of U.S. Pat. No. 5,022,127 to Ang. The Examiner asserts that it would have been obvious for one of ordinary skill in the art at the time the invention was made to have included the teaching of the lace engaging elements on the outer surface of the body in Garvey in view of Ang in order to further prevent the laces from untying. Applicant argues that it would appear that a combination of Ang and Garvey would merely replace the clip member of the present invention with the clip member of Ang and not change the orientation of the clip of Garvey nor add a

hinge pin. Hinge 11 is structurally different than the structures of Ang and Garvey. Applicant respectfully requests allowance of claims 11-14 and 18-20.

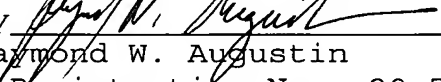
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: December 14, 2006

Respectfully submitted,

By 
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